

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JEREMIAH LEE MAY, SCOTT
LAWRENCE MAY, GAVIN BOYD MAY,
RUSSELL LANE,

Plaintiffs,

v.

RONALD LEE HAAS; SCHNEIDER
NATIONAL CARRIERS, INC.,

Defendants.

3:13-cv-0430-LRH-WGC

ORDER

Before the court is plaintiffs Jeremiah Lee May, Scott Lawrence May, Gavin Royd May, and Russell Lane's (collectively "plaintiffs") objection to the Magistrate Judge's June 30, 2014 order denying plaintiffs' motion to compel (Doc. #85¹). Doc. #87. Defendant Schneider National Carriers, Inc. ("Schneider") filed an opposition to plaintiffs' objection. Doc. #89.

I. Facts and Procedural History

This action arises from the death of George May. On July 30, 2011, George May was struck by a vehicle driven by defendant Ronald Lee Haas ("Haas") and owned by defendant Schneider. At the time of the accident Haas was acting in the scope of his employment with Schneider as a long haul trucker. George May was killed as a result of the accident.

///

///

¹ Refers to the court's docket entry number.

1 On May 9, 2012, plaintiffs' - George May's surviving children - filed the underlying
2 wrongful death action against defendants. Doc. #1, Exhibit A. On January 21, 2014, as part of their
3 ongoing discovery, plaintiffs sought medical records pertaining to defendant Haas from various
4 medical facilities. The medical facilities refused to comply with the request for medical records
5 absent a court order. Subsequently, on May 29, 2014, plaintiffs filed a motion to compel production
6 of the medical records. Doc. #81.

7 On June 30, 2014, the Magistrate Judge held a hearing on plaintiffs' motion to compel. *See*
8 Doc. #85. At the hearing, the Magistrate Judge denied the motion to compel finding that the
9 requested medical records were not relevant to plaintiffs' wrongful death action. *Id.* Thereafter,
10 plaintiffs filed the present motion for reconsideration of the June order. Doc. #87.

11 **II. Discussion**

12 Local Rule IB 3-1 authorizes a district judge to reconsider any pretrial matter referred to a
13 magistrate judge pursuant to LR IB 1-3 where it has been shown that the magistrate judge's order is
14 clearly erroneous or contrary to law. In their objection, plaintiffs contend that the Magistrate
15 Judge's order denying their motion to compel was clearly erroneous because the requested medical
16 records concerned the health of defendant Haas at the time of the accident, and therefore, are
17 relevant to their claim that Haas was medically impaired while operating the truck.

18 The court has reviewed the documents and pleadings on file in this matter and finds that
19 plaintiffs have failed to show that the Magistrate Judge's order is either contrary to law or clearly
20 erroneous. First, the court notes that plaintiffs simply rehash the arguments outlined in their
21 original motion to compel. *See* Doc. #81. Second, plaintiffs fail to introduce any new evidence or
22 identify any legal or factual error in the Magistrate Judge's order. The court notes that the
23 Magistrate Judge heard argument on the motion to compel and, at the hearing, made several
24 specific rulings that addressed the relevancy of the discovery request. *See* Doc. #85. Thus, the
25 Magistrate Judge took plaintiffs' arguments into consideration before deciding their motion.
26 Finally, the evidence in this action establishes that defendant Haas was medically certified to

1 operate the vehicle at the time of the accident after having completed a bi-annual medical
2 examination in California only weeks prior to the accident. Accordingly, the court shall affirm the
3 Magistrate Judge's June order.

4
5 IT IS THEREFORE ORDERED that plaintiffs' objection (Doc. #87) is OVERRULED.

6 IT IS FURTHER ORDERED that the Magistrate Judge's order denying plaintiffs' motion
7 to compel (Doc. #85) is AFFIRMED.

8 IT IS SO ORDERED.

9 DATED this 7th day of November, 2014.

10
11 
12 LARRY R. HICKS
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26